

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S ASSENTED-TO MOTION TO EXCLUDE THE TIME
FROM AUGUST 18, 2006 THROUGH OCTOBER 4, 2006,
AND FOR AN ORDER ON EXCLUDABLE DELAY

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on August 18, 2006 and concluding on October 4, 2006.

As grounds therefor, the undersigned states that following the Motion Hearing held on August 18, 2006, this Court scheduled an evidentiary hearing for October 4, 2006 regarding the dual prosecution and petite policy issues raised by the Court and Counsel for Defendant. At the hearing, the government requested [and without objection from Defendant] that the Court exclude the time up through the date of the evidentiary hearing, which the Court stated it would do. See Motion Hrg Transcript, dated 8/18/06 at 18.

WHEREFORE, the government respectfully requests, under 18

U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on August 18, 2006, and concluding on October 4, 2006**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Dated: August 29, 2006

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic court filing:

Timothy G. Watkins, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210

Date: August 29, 2006

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney